



Department of Toxic Substances Control



Winston H. Hickox
Agency Secretary
California Environmental
Protection Agency

Edwin F. Lowry, Director
8800 Cal Center Drive
Sacramento, California 95826-3200

Gray Davis
Governor

January 29, 2002

Mr. Scott Goldie
Senior Vice President
Pacific Bay Homes, LLC
701 Southampton Road, Suite 209
Benicia, California 94510

FN Projects, Incorporated & Granite Management Corporation
c/o Mr. Scott Goldie
701 Southampton Road, Suite 209
Benicia, California 94510

Mr. Michael E. Mitchener
Project Manager
United States Army Corps of Engineers
1325 J Street
Sacramento, California 95814

Subject: Approval of Remedial Action Plan, Tourtelot Cleanup Project, Benicia,
California

Dear Mr. Goldie and Mr. Mitchener,

The Department of Toxic Substances Control (DTSC) has approved the Final Remedial Action Plan (Final RAP) for the Tourtelot Cleanup Project located in Benicia, California. DTSC has also approved the Ordnance and Explosives Remedial Design Document (OERDD), except for those sections that address intrusive activities that are located within an ordnance and explosives (OE) area or are intended to seek, find, detect or dispose of OE. Ordnance avoidance techniques included in the September 29, 2000 Site Health and Safety Plan for the Tourtelot site shall be followed for all site activities that may proceed under DTSC's authorization, including tasks associated with test plot construction.

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Under Section 5.13 of the June 1, 1999, Imminent and/or Substantial Endangerment and Remedial Action Order, intrusive activities that are located within an OE area or are intended to seek, find, detect or dispose of OE may not proceed until DTSC approves the sections of the OERDD that address such activities. DTSC will not approve these sections of the OERDD until the United States Army, Sacramento District Corps of Engineers, on behalf of the Department of Defense Explosives Safety Board (DDESB), has reviewed the Explosive Safety Submission (ESS) for the Tourtelot Cleanup Project and has determined that it complies with Department of Defense (DOD) 6055.9-STD, Ammunition and Explosives Safety Standards, July 1, 1999. DTSC's approval is also contingent upon prior resolution of the Sacramento District's role and responsibility for field oversight of these intrusive activities.

DTSC further notes that pursuant to the California Environmental Quality Act, an Environmental Impact Report (EIR) has been completed for the Tourtelot Cleanup Project. The Tourtelot EIR was certified by DTSC on December 19, 2001. DTSC has also prepared a Findings of Fact and Statement of Overriding Considerations as well as a Mitigation Monitoring Plan which are all included in the Administrative Record.

Also as part of the Administrative Record and included as Appendix D of the RAP is the Responsiveness Summary for all comments received during the 45 day public comment period. Please note that the Responsiveness Summary is also being transmitted as a separate correspondence to all commentors.

Enclosed for your records is a copy of the approved Final RAP. You have the option to seek judicial review of the RAP (within 30 days of the date of this letter). Based upon the percentage of financial responsibility assigned, you may also be eligible to dispute the preliminary allocation of financial responsibility, as specified in the RAP, by convening an arbitration proceeding (within 15 days of the date of this letter) and agreeing to binding arbitration by the arbitration panel. To exercise the arbitration option, it is necessary that the part or parties making the request be assigned greater than 50% of the responsibility for the site.

You should also be aware that neither filing for judicial review or requesting arbitration will stay implementation of the cleanup actions specified in the Final RAP.

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If you have any questions or comments, please contact Jim Austreng at
(916) 255 3702.

Sincerely,

A handwritten signature in cursive script, appearing to read "Anthony J. Landis".

Anthony J. Landis, P.E., Chief
Office of Military Facilities
Northern California

Enclosure

cc: Mr. Bruce Handel
Project Coordinator
United States Army Corps of Engineers
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Sacramento, California 95814

Ms. Heather McLaughlin
City Attorney
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